



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,200	07/22/2003	Chuan-Yu Hsu	112.P14114C	1800
43831 7590 04/10/2007 BERKELEY LAW & TECHNOLOGY GROUP, LLP 1700 NW 167TH PLACE SUITE 240 BEAVERTON, OR 97006			EXAMINER GRANT II, JEROME	
			ART UNIT	PAPER NUMBER
			2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,200	<b>Applicant(s)</b> HSU ET AL.	
	<b>Examiner</b> Jerome Grant II	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6-9 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6-9 and 14-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**JEROME GRANT**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

**1.**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2625

Claims 1, 6-9 , 14-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lo.

With regard to claims 1 and 17, Lo teaches a method implemented on a computer system having a user interface, the computer system running a scanner driver and an application program; the method comprising the steps of: storing a set of default image processing settings in the user interface (client computer sets processing range setting, see col. 12, lines 10-40 (especially lines 31-40); activating the scanner , via scanner server 130, to perform a primitive scan operation on a document to obtain a primitive scanned image which is then transferred to the scanner driver, see col. 16, lines 12-40; activating the scanner driver (Twain device driver) to perform a set of image processing routines on the primitive scanned image to thereby obtain the image qualities of the original document (col. 5, lines 48-57); specifying a set of unique image processing settings for optimal scan of the original document (see col. 16, lines 55-62); and activating the scanner to perform a final scan operation on the document in accordance with the specified image processing settings.

With respect to claims 6 and 18 and 14, see col. 15, lines 47-56.

With respect to claims 7, 15 and 19, see col. 15, lines 47-56, see also col. 13, lines 45-69 for software controlling the Twain device driver.

With respect to claims 8, 16 and 20, Lo teaches processing the text and image if text is part of the data scanned by scanner 144.

With respect to claim 9, Lo teaches a user interface implemented on a computer system, the computer system adapted to execute a scanner driver and an application program; the user interface (client computer keyboard) comprising: means for storing a set of default image processing settings in the user interface (client computer sets processing range setting, see col. 13, lines 10-40; activating the scanner (via scanner server 130) to perform a primitive scan operation on a document based on a primitive scanned image which is then transferred to the scanner driver, see col. 16, lines 12-40;

executing the scanner driver (Twain device driver) to perform a set of image processing routines on the primitive scanned image to thereby obtain the image qualities of the original document (col. 5, lines 48-57) and based on the image qualities of the original document;

obtaining a set of unique image processing settings for optimal scan of the original document (see col. 16, lines 55-62) based at least in part on the obtained image qualities; and activating the scanner to perform a final scan operation on the in accordance with the specified image processing settings.

With respect to claims 21 and 23 Lo teaches a computer system coupled with a scanner for performing an automatic scan operation on an original document, the computer system executes a scanner driver and an application program;

With respect to claims 22 and 24, Lo teaches activating the scanner to perform a final scan operation on the original document based on the suited image processing settings to thereby obtain a final scanned image which is transferred to the application program for use by the application program, see col. 16, lines 55-60).

2. Examiner's Remarks

Applicant's remarks have been considered and are unpersuasive to allow the claims.

Applicant is advised that the office action is repeated for the reason that the amendment received February 26, 2007, does not alter the scope of the invention but is intended to be for clarification or refinement of the pre-existing scope of the claims.

The examiner notes that applicant has pro-offered his own interpretation of the use of the prior art but has not particularly pointed out how or why the elements of the prior art references and the column and line numbers relied upon by the examiner, does not suffice to read on the limitations as claimed or that such reliance teaches away from the

Art Unit: 2625

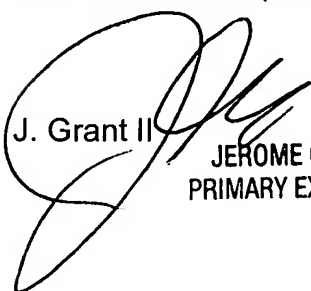
present invention, for example. Hence, the examiner concludes that the rejection is proper and applicable to the present claims.

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 J. Grant II  
JEROME GRANT  
PRIMARY EXAMINER